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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/668,773      | 09/22/2003  | Andreas Birkenfeld   | 4100-323            | 3309             |

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EXAMINER

BLAKE, CAROLYN T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3724

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/668,773

**Applicant(s)**

BIRKENFELD ET AL.

**Examiner**

Carolyn T Blake

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Species II in the reply filed on February 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Objections***

2. Claim 3 is objected to because of the following informalities:
- Line 2: The phrase "printing pressing" should be changed to - -printing press- -.
  - Lines 7-8: The phrase "the position of the web is synchronized the rotary position of the plate cylinder" is grammatically incorrect.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayamizu et al (4,721,058).

Regarding claim 1, Hayamizu et al disclose a method of cross-cutting a web (5) having a repeated sequence of at least two printed pages with different heights, said

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method comprising: moving said web (5) in a running direction; and cutting said web (5) transversely to said running direction successively by means of a cross-cutting device (9) to form sheets having section lengths corresponding to said heights.

Regarding claim 2, Hayamizu et al disclose said cross-cutting device (9) comprises a knife cylinder (69) having at least one cutting knife (75) which rotates about an axis parallel to a cutting line, said method comprising: supplying said web (5) at an approximately constant speed to said cross-cutting device (9); driving said knife cylinder (69) to rotate by means of a motor (40); cutting said web (5) to form a sheet by operating said knife cylinder (69) during cutting, at a circumferential speed corresponding approximately to the web speed; selecting a movement sequence from a memory (7) in accordance with the height of the next printed page (6) to be cut; and predefining said movement sequence to said motor so that the next sheet is cut with a section length corresponding to the height of the next printed page (6).

Regarding claim 9, Hayamizu et al disclose feeding said web (5) from a web-fed rotary press (8) to said cross-cutting device (9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayamizu et al as applied to claims 1 and 2 above, and further in view of Fuchs (1,677,472).

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Hayamizu et al disclose printing said web (5); communicating from the computing and storage unit (20) comprising said memory (7); and predefining the movement sequence for said motor (40) of said knife cylinder (69) in said computing and storage unit (20) cyclically so that the position of the web (5) is synchronized. Hayamizu et al fail to disclose the specific printing device used. Sigel et al (6,532,872) disclose a method comprising printing a web in a web-fed rotary printing press having a plate cylinder (21) driven by a motor (10) controlled by a drive controller. This type of printing device is able to accommodate a variety of publications and can accommodate for different changes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a printing press, as disclosed by Sigel et al, with the Hayamizu et al method because the press can accommodate different changes made during the printing process.

7. Claim 10<sup>is</sup>/rejected under 35 U.S.C. 103(a) as being unpatentable over Hayamizu et al as applied to claim 1 above, and further in view of Jumel et al (4,620,466). Hayamizu et al fail to disclose an unwind device. However, Jumel et al disclose an unwind device (42) used in a cutting machine. The unwind device saves space in comparison to a rotary press. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an unwind device, as disclosed by Jumel et al, with the Hayamizu et al method for the purpose of saving floor space.

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**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faltin (3,889,939), Knoll (4,283,975), Bartz (4,506,824), Sato et al (5,229,827), Wathieu (5,765,460), Smith (6,210,052), Stephens, Jr. (6,644,764), Currans et al (6,731,393), Mikkelsen et al (6,772,661), and Maddalon (6,820,526) methods of cross-cutting a web.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

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April 13, 2005



Allan N. Shoap  
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Group 3700